

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

DOCKET NO. 2000-557

August 1, 2000

WINTHROP UTILITIES DISTRICT
Re: Request for Approval of Lease of
Property to the U.S. Postal Service

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

In this Order, we allow the Winthrop Utilities District (District) to lease two parcels of property to the U.S. Postal Service (Postal Service).

On June 28, 2000, the District filed with the Commission a request for approval of a lease of property it owns to the Postal Service, pursuant to 35-A M.R.S.A. § 1101. The District proposes to lease to the Postal Service one parcel of land currently not in use by the District, and another parcel of land currently used for travel in and out of the garage below the office of the District. This lease will allow the Postal Service greater access to the loading docks on the back side of its building. The area described as "Leased Parcel No. 2" shall be used only for turning purposes by the mail delivery trucks. No parking of postal vehicles and/or employee vehicles is to be allowed within this area. The District reserves the right to use leased area two in common with the Postal Service.

The lease will be for a 20-year period. Rental payments shall be at the rate of \$4,600 per year for the first 10 years of the lease and \$4,820 for the following 10 years. The lease may be renewed at the option of the Postal Service after the initial 20-year period for the following separate and consecutive terms at the following annual rentals: 5 years at \$5,252 per year, 5 years at \$5,730 per year and 5 years at \$6,250 per year. The Postal Service will have the right of first refusal to purchase the property.

Title 35-A M.R.S.A. § 1101(1) requires utilities to secure the approval of the Commission before leasing any property that is useful and necessary in the performance of its duties to the public. Section 1101(4) exempts leases that "do not materially affect the ability of the utility to perform its duties to the public." Approval is not required to lease property which is not useful in the performance of a utility's duties under section 1102. Here, parcel No. 1 is currently not used by the District, and the lease of parcel No. 2 will not affect the District's performance of its duties to its customers. Therefore, we will allow the District to proceed with its lease arrangement, as these transactions do not require our approval pursuant to sections 1102 and 1101(4).

Dated at Augusta, Maine, this 1st day of August, 2000.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.